

House File 744

H-1206

1 Amend House File 744 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 261H.2, Code 2021, is amended to read
5 as follows:

6 **261H.2 ~~Policy adoption~~ Public institutions of higher**
7 **education — duties.**

8 1. The state board of regents and the board of directors of
9 each community college shall adopt a policy that includes all
10 of the following statements:

11 ~~1.~~ a. That the primary function of an institution of higher
12 education is the discovery, improvement, transmission, and
13 dissemination of knowledge by means of research, teaching,
14 discussion, and debate. This statement shall provide that, to
15 fulfill this function, the institution must strive to ensure
16 the fullest degree of intellectual freedom and free expression
17 allowed under the first amendment to the Constitution of the
18 United States.

19 ~~2.~~ ~~a.~~ b. (1) That it is not the proper role of an
20 institution of higher education to shield individuals from
21 speech protected by the first amendment to the Constitution of
22 the United States, which may include ideas and opinions the
23 individual finds unwelcome, disagreeable, or even offensive.

24 ~~b.~~ (2) That it is the proper role of an institution of
25 higher education to encourage diversity of thoughts, ideas,
26 and opinions and to encourage, within the bounds of the
27 first amendment to the Constitution of the United States, the
28 peaceful, respectful, and safe exercise of first amendment
29 rights.

30 ~~3.~~ c. That students and faculty have the freedom to
31 discuss any problem that presents itself, assemble, and engage
32 in spontaneous expressive activity on campus, within the
33 bounds of established principles of the first amendment to the
34 Constitution of the United States, and subject to reasonable
35 time, place, and manner restrictions that are consistent with

1 established first amendment principles.

2 4. d. That the outdoor areas of campus of an institution
3 of higher education are public forums, open on the same terms
4 to any invited speaker subject to reasonable time, place,
5 and manner restrictions that are consistent with established
6 principles of the first amendment to the Constitution of the
7 United States.

8 2. The state board of regents shall develop materials,
9 programs, and procedures to ensure that those persons who are
10 responsible for discipline, instruction, or administration
11 of the campus community, or who have oversight of student
12 government organizations, or distribute activity fee funds,
13 including but not limited to presidents, vice-presidents,
14 deans, department directors, administrators, campus police
15 officers, residence life officials, faculty, and members of
16 student government organizations, understand the policies,
17 regulations, and duties of the institution regarding free
18 expression on campus consistent with this chapter.

19 3. a. Each public institution of higher education shall
20 protect the first amendment rights of the institution's
21 students, staff, and faculty and shall establish and publicize
22 policies that prohibit institutional restrictions and penalties
23 based on protected speech, including political speech, to
24 the fullest extent required by the first amendment to the
25 Constitution of the United States. A public institution of
26 higher education shall not retaliate against a member of the
27 campus community who files a complaint for a violation of this
28 subsection pursuant to section 261H.5.

29 b. If it is determined, after exhaustion of all available
30 administrative and judicial appeals, that a faculty member
31 knowingly and intentionally restricts the protected speech or
32 otherwise penalizes a student in violation of this subsection,
33 the faculty member shall be subject to discipline by the
34 institution through the normal disciplinary processes of the
35 institution, and such discipline may include termination

1 depending on the totality of the facts. If the faculty member
2 is licensed by the board of educational examiners under chapter
3 272, the board of educational examiners shall conduct a hearing
4 pursuant to section 272.13, and the faculty member may be
5 subject to disciplinary action by the board.

6 Sec. 2. NEW SECTION. **261H.6 Training — first amendment to**
7 **the Constitution of the United States.**

8 Each public institution of higher education shall provide
9 training on free speech under the first amendment to the
10 Constitution of the United States to all students, faculty, and
11 staff on an annual basis, which elected officials and staff
12 shall be permitted to attend.

13 Sec. 3. NEW SECTION. **279.73 Intellectual freedom —**
14 **protection — complaints.**

15 1. The board of directors of each school district shall
16 protect the intellectual freedom of the school district's
17 students and practitioners and shall establish and publicize
18 policies that protect students and faculty from discrimination
19 based on speech. A person shall not retaliate against a person
20 who files a complaint for a violation of this section. If the
21 person who files a complaint for a violation of this section is
22 an employee of the school district, the provisions of section
23 70A.29 shall apply.

24 2. If the board of directors of the school district or
25 a court finds that an employee of the school district who
26 holds a license, certificate, statement of recognition, or
27 authorization issued by the board of educational examiners
28 under chapter 272 discriminated against a student or employee
29 in violation of this section, the employee found to be in
30 violation under this section shall be subject to a hearing
31 conducted by the board of educational examiners pursuant to
32 section 272.2, subsection 14, which may result in disciplinary
33 action and the employee's employment may be terminated.>

34 2. Title page, by striking line 3 and inserting <public
35 institutions of higher education.>

HITE of Mahaska